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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,560	11/21/2003	Tomoyuki Ohno	00862.023327	8468
5514 7590 12/12/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SALCE, JASON P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,560

Applicant(s)

OHNO ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/5/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 3/5/04 was filed after the filing date of the instant application on 11/21/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, Line 6 states "received data", however the claim has previously recited information data and partial data, therefore the claim is unclear as to which received data is processed by the information processing unit (the information data, partial data or both). For the remainder of this Office Action, the examiner will treat the claim as processing both types of data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 10-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Reitmeier (U.S. Patent No. 6,115,080).

Referring to claim 1, Reitmeier discloses a receiving apparatus (**see Figure 1**) comprising a reception unit capable of independently receiving information data and partial data related to the information data (**see Column 3, Lines 18-40 for independently receiving partial data for a plurality of channels during a channel scanning program 200 and information data during a channel changing program 300**).

Reitmeier also discloses that the receiving apparatus includes an information processing unit which processes the received data, generates image data corresponding to the received data, and outputs the image data to a display unit (**see again Column 3, Lines 26-40 for receiving the partial data and information data and processing, generating and displaying the received data (partial and information data) during the channel changing program 300**).

Reitmeier also discloses that the receiving apparatus includes a controller (**see controller 70 in Figure 1**) which controls said information processing unit to process the partial data, and controls said reception unit to start receiving the information data before output of image data corresponding to the partial data to said display unit is completed (**see Column 9, Line 51 through Column 10, Line 36 for processing the partial data for a selected channel and displaying the I-frame for the selected channel (which is stored in the scan list) and while the I-frame is being displayed receiving the information data (the selected channel) before output of the image**

data corresponding to the partial data to said display unit is completed (note the I-frame is shown until the information data is received, processed and ready for display)).

Reitmeier also discloses that said controller controls output of said information processing unit such that image data displayed on said display unit is switched to image data corresponding to the information data from image data corresponding to the partial data after reception of the information data is started (**see again Column 9, Line 51 through Column 10, Line 36 for outputting the partial data and then the information data to the display unit**).

Referring to claim 2, see the rejection of claim 1.

Referring to claim 3, Reitmeier discloses that the reception of the information data is started after a predetermined time has passed since output of the image data corresponding to the partial data to said display unit is started (**see the rejection of claim 1 and further note Column 12, Lines 56-65**).

Referring to claim 4, Reitmeier discloses decoding the received partial data and decoding the received information data (**see the rejection of claim 1**).

Reitmeier also discloses that in said switching, the output to said display unit is switched depending on a state of operation of decoding the partial data and information data (**see Column 9, Lines 51 through Column 10, Line 34 for switching from the**

partial I-frame data to the requested decoded channel information data once the information data is ready for display after decoding).

Referring to claim 5, Reitmeier also discloses that in said switching, the output to said display unit is switched from the image data corresponding to the decoded partial data to the image data corresponding to the decoded information data (**see the rejection of claim 4**).

Referring to claim 6, Reitmeier also discloses that in said switching, the output to said display unit is switched by switching input to a decoding unit from the partial data to the information data (**see the rejection of claim 4**).

Referring to claim 10, Reitmeier also discloses accumulating plural pieces of the received partial data each of which is part of each of plural pieces of information data whose contents are different from each other (**see the channel scanning process 200 at Column 8, Line 24 through Column 9, Line 40 for storing a plurality of I-frames in a scan list**).

Reitmeier also discloses outputting and displaying plurality pieces of image data corresponding to the plurality pieces of accumulated partial data (**see Column 11, Lines 14-27**).

Reitmeier also discloses starting, in response to selection of at least one of the plural pieces of displayed image data, reception of the information data partly formed by

the partial data corresponding to the selected image data (**see again the channel changing routine 300 at Column 9, Line 51 through Column 10, Line 34**).

Referring to claim 11, see the rejection of claims 1 and 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier (U.S. Patent No. 6,115,080).

Referring to claims 7-9, Reitmeier discloses all of the limitation in claim 2, but fails to teach that the output to said display unit is switched depending on a matching state between a time-stamp of partial data and a time-stamp of the information data, at a timing when brightness of the image data corresponding to the partial data indicates a minimum value and/or a smallest value and on a timing of a movement of image data corresponding to the partial data being minimum and/or small.

The examiner takes Official Notice to the fact that a fast channel changing system is capable of switching depending on a matching state between a time-stamp of partial data and a time-stamp of the information data, at a timing when brightness of the image data corresponding to the partial data indicates a minimum value and/or a

smallest value and on a timing of a movement of image data corresponding to the partial data being minimum and/or small.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the fast channel changing system, as taught by Reitmeier, using the switching detection techniques taught by the examiner's Official Notice, for the purpose of an automated detection of a second channel that provides precise times for switching to a second channel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

December 9, 2007

A handwritten signature in black ink, appearing to read "Jason P. Salce", with a long horizontal flourish extending to the right.